IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13823 of 2003

Between:

1 M/s. B.L. Chemicals (P) Limited, rep. by its Director, K. Rama Krishna, 12-13-125/126, Street No. 3, Tarnaka, Secunderabad

2 K. Rama Krishna, S/o. late K.Purnachandra Rao,
R/o. 12-13-125/126, Street No. 3, Tarnaka, Secunderabad

..... PETITIONERS

AND

1 The Union of India, rep. by its Secretary, Ministry of Law,
Shastry Bhavan, R.P. Road,
New Delhi
2 State Bank of Hyderabad, Humnabad 2239, Bidar District,
Karnataka 585 330 H/o. Gunfoundry,
Hyderabad -1

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ, Order or direction, striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and striking down section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and quashing the Notice in Ref.No.F/SRES1/113, dated 16-6-

2003 issued by the respondent No. 2

Counsel for the Petitioner:MR.M.RAJENDER REDDY

Counsel for the Respondent No.1:Mr.A.RAJASEKHAR REDDY,

Standing Counsel for Central Government

Counsel for Respondent No.2: Mr.K.V.SIMHADRI, SC for State Bank of Hyderabad.

The Court made the following :

ORAL ORDER: (per Hon"ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

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28th June, 200004 G.ROHINI, J.

Tvr/Jsu

To

1.The Secretary, Ministryof Law, Government of India, New Delhi.

2. The Branch Manager,State Bank of Hyderabad, Humnabad 2239, Bidar District, Karnataka 585 330 H/o. Gunfoundry, Hyderabad -1

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